

REMARKS/ARGUMENT

Claim Objections

Claims 1 and 22 were objected to on the basis that they contained the terms “capable of”. Claims 1 and 22 presently filed herewith have been amended to remove the objected to terms and to positively limit the protection conferred, in that for example Claim 1 now states that the wireline is adapted to act as an antenna.

Accordingly, it is submitted that the objections to Claims 1 and 22 are now moot and withdrawal of those objections is respectfully requested.

Claim Rejections - 35 U.S.C § 112 second paragraph

The Examiner rejected Claim 5 under 35 U.S.C. 112, second paragraph as being indefinite due to the use of the phrase “or the like”. The rejected phrase has now been deleted from Claim 5. Accordingly, it is respectfully submitted that Claim 5 is now definite in that it distinctly claims the subject matter for which protection is sought.

Claim Rejections - 35 USC §102

The Examiner rejected Claims 1, 3-10, 22, 23 and 26 under 35 U.S.C. 102(b) as being anticipated by Titchener et al (US Patent No. 4,828,051.)

The Examiner will note that independent Claims 1 and 10 have been amended and now specify that the wellbore communication system comprises a downhole tool coupled to a wireline. Furthermore, the downhole tool comprises a transmitter. Moreover, the downhole tool (and transmitter) and wireline are adapted to be simultaneously deployed into the wellbore, at the surface thereof. In addition, independent Claims 1 and 12 also now state that the receiver is located remotely from the transmitter, wherein the wireline is adapted to run the downhole tool into the wellbore and is also adapted to act as an antenna for the transmitter.

The Examiner stated that Tichener teaches a wellbore communication system comprising a transmitter (Fig. 13, unit 352) coupled to a wireline (Fig. 1, unit 36) and a receiver (Fig. 13, unit 38) located remotely from transmitter. It is respectfully submitted that the Examiner is incorrect in this instance. The Applicant submits that Tichener teaches, at Column 4, lines 30 to 35, a wellbore communication system having a remotely located transmitter (Fig 1, unit 28 and

in Fig. 13, unit 352) which is not coupled to a wireline but, instead, has already been located at the bottom of the well on a bottom hole plug. Furthermore, the Applicant respectfully submits that Tichener teaches that it is the receiver that is coupled to a flexible wireline (Col 4, lines 41 to 43).

Furthermore, the Examiner stated that Tichener teaches that the wireline is capable of acting as an antenna for the transmitter. It is respectfully submitted that the Examiner is again incorrect in this instance. The Applicant submits that Tichener teaches, that the wireline is connected to the receiver and merely acts as a conductor (Col 6, lines 15 to 17) and does not act as an antenna. Furthermore, it is respectfully submitted that the receiver's antenna (Fig 13, item 360) is located within the receiver's body and does not function as a wireline which is adapted to run the downhole tool into the wellbore.

The Applicant believes the legend of Fig. 13 of Tichener to be the cause of confusion in that items 358 (transmitting antenna) and item 360 (receiving antenna) are only mentioned to fully describe the basic elements for wireless transmission. Furthermore, the Applicant submits that item 360 is specifically not the wireline (item 36) of Fig 1.

Accordingly, the Applicant submits that Tichener does not disclose the subject matter of amended independent Claims 1 and 10 and therefore it is submitted that the subject matter of amended independent Claims 1 and 10 is novel over the teaching of Tichener. Therefore, the withdrawal of the rejection to Claims 1 and 10 is respectfully requested.

Furthermore, it is submitted that the subject matter of independent Claims 1 and 10 is not obvious in view of Tichener since Tichener uses the method of providing a conductive path in the form of the wireline for sending the data back to the surface via that wire, whereas the presently claimed invention utilizes the wireline to act as an antenna to broadcast the data to the remotely located receiver (which may be located at the surface of the well). Accordingly, it is submitted that the two means of transmitting data are very different and so the person of ordinary skill in the art would not (and indeed could not) use the teaching of Tichener to arrive at the invention of amended independent Claims 1 and 10.

Independent Claim 22 has been similarly amended in that Claim 22 now states that the transmission means comprising a transmitter coupled to the wireline and a receiver located remotely from the transmitter, wherein the wireline is adapted to run the downhole tool into the wellbore and is also adapted to act as an antenna for the transmitter. Accordingly, for the same

reasons as given above in relation to independent Claims 1 and 10, it is submitted that that the subject matter of amended independent Claim 22 is novel over the teaching of Tichener and the withdrawal of the rejection to independent Claim 22 is respectfully requested.

The Examiner further rejected dependent Claims 3 to 9 and 23 in view of Tichener. Claim 23 has been cancelled without prejudice in view of the amendment made to Claim 22. Furthermore, in view of the amendments made to independent Claims 1, 10 and 22, and in view of the dependency of the rest of the rejected dependent Claims thereon, the Applicant submits that dependent Claims 3 to 10 are novel over Tichener, and further submits that they are non-obvious in view of Tichener. Therefore, the withdrawal of the rejection to dependent Claims 3 to 9 and 23 is respectfully requested.

Claim Rejections - 35 USC §103

The Examiner rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Tichener et al. (US Pat # 4,828,051) in view of Reinhardt (US Pat No. 6,216,779).

In view of the amendments made to independent Claim 1 such that Claim 1 is now allowable, and in view of the dependency of rejected dependent Claim 2 thereon, the Applicant submits that dependent Claim 2 is not obvious over Tichener in view of Reinhardt. Therefore, withdrawal of the rejection to dependent Claim 2 is respectfully requested.

The Examiner rejected claims 24 and 25 under 35 U.S.C. 103(a) as being unpatentable over Tichener et al. (US Pat No. 4,828,051) in view of Morris et al. (US Pat No. 4,537,286).

In view of the amendments made to independent Claim 22 such that Claim 22 is now allowable, and in view of the dependency of rejected dependent Claims 24 and 25 thereon, the Applicant submits that dependent Claims 24 and 25 are not obvious over Tichener in view of Morris et al.. Therefore, withdrawal of the rejection to dependent Claims 24 and 25 is respectfully requested.

CONCLUSION

It is respectfully submitted that all rejections or objections have been appropriately addressed and overcome by means of the arguments and amendments notes above. Reconsideration and withdrawal of the rejections are respectfully requested. It is also noted that the amendments made to the claims and application do not add any new matter.

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Applicant respectfully requests that a timely notice of Allowance be issued in this case.

If the Examiner believes that direct communication with the Applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,
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